

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 24, 2023

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANNIE JOE ALVA YALLUP,

Defendant.

No. 2:22-CR-00100-TOR-1

ORDER FOLLOWING
DETENTION REVIEW
HEARING AND GRANTING
DEFENDANT'S MOTION
TO MODIFY CONDITIONS
OF RELEASE

MOTION GRANTED
(ECF No. 35)

On March 23, 2023, the Court held a detention review hearing for ANNIE JOE ALVA YALLUP. Defendant appeared while out of custody via video conference from inpatient treatment represented by Assistant Federal Defender Amy Rubin. Assistant U.S. Attorney Dan Fruchter represented the United States. U.S. Probation Officer Jon Bot was also present. Defendant consented to proceed via video teleconference.

The Court has reviewed Defendant's Motion to Modify Conditions of Release, **ECF No. 35**. The United States and U.S. Probation do not oppose Defendant remaining released and residing at Colville Reservation Behavioral Health to participate in intensive outpatient treatment. The United States noted it

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1 has been unable to contact the victim in this case to obtain their position, however,
2 is still in agreement with Defendant's release.

3 The Court addressed the Defendant.

4 Accordingly, after consideration of the Defendant's Motion to Modify
5 Conditions of Release, **ECF No. 35**, the Court **GRANTS** Defendant's Motion.
6 Defendant is released on the previously ordered conditions of pretrial release set
7 forth in the Court's prior Order at ECF No. 33 as follows, and the additional
8 conditions that she appear for all hearings and that she remains in contact with her
9 counsel: The Court strikes Conditions Nos. 12 and 17 in the Order Following
10 Detention Review Hearing, ECF No. 33, and imposes the following additional
11 conditions:

- 12 1. Defendant shall participate in outpatient treatment and follow all
13 treatment recommendations of treatment and Pretrial Services.
- 14 2. Prior to commencing any evaluation or treatment program, Defendant
15 shall provide waivers of confidentiality permitting the United States
16 Probation Office and the treatment provider to exchange without
17 qualification, in any form and at any time, all information or records
18 related to Defendant's conditions of release and supervision, and
19 evaluation, treatment and performance in the program. It shall be the
20 responsibility of defense counsel to provide such waivers.
- 21 3. Defendant shall submit to random urinalysis and/or breathalyzer
22 testing as directed by the United States Probation/Pretrial Services
23 Office for determining whether the Defendant is using a prohibited
24 substance. Such methods may be used with random frequency and
25 include urine testing, the wearing of a sweat patch, a remote alcohol
26 testing system, and/or any form of prohibited substance screening or
27 testing up to six times per month.
- 28 4. **Home detention:** Defendant shall be restricted to her residence at all
times except for: attorney visits; court appearances; case-related
matters; court-ordered obligations; or other activities as pre-approved
by the Pretrial Services Office or supervising officer, including but

1 not limited to employment, religious services, medical necessities,
2 substance abuse testing or treatment, or mental health treatment.

- 3 5. Defendant shall participate in one or more of the following home
4 confinement program(s): **GPS Monitoring:** The Defendant shall
5 participate in a program of GPS confinement. The Defendant shall
6 wear, at all times, a GPS device under the supervision of U.S.
7 Probation. In the event the Defendant does not respond to GPS
8 monitoring or cannot be found, the U.S. Probation Office shall
9 forthwith notify the United States Marshals' Service, who shall
immediately find, arrest and detain the Defendant. The Defendant
shall pay all or part of the cost of the program based upon ability to
pay as determined by the U.S. Probation Office.

10 **IT IS SO ORDERED.**

11 DATED March 24, 2023.




JAMES A. GOEKE
UNITED STATES MAGISTRATE JUDGE